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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,257	09/20/2006	Janne Aaltonen	006559.00007	4526

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WASHINGTON, DC 20005-4051

EXAMINER	
MITCHELL, DANIEL D	

ART UNIT	PAPER NUMBER
2477	

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10/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/529,257	AALTONEN, JANNE	
	Examiner	Art Unit	
	DANIEL MITCHELL	2477	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6/3/2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *25-40* is/are pending in the application.

4a) Of the above claim(s) *1-24;41* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *25-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 6/3/2009 has been entered. Claim 40 has been amended. Claims 1-24 and 41 are canceled. Claims 25-40 are still pending in this application, with claims 25 and 33 being independent.

Response to Arguments

2. Applicant's arguments, see pg 6, filed 6/3/2009, with respect to claims 25-40 have been fully considered and are persuasive. The 35 USC 103 rejections of claims 25-40 have been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 21-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller (US Publication No. 2003/0043844 A1), in view of Maggenti (US Patent No. 6,633,765 B1).

Regarding claim 25, Heller teaches an apparatus comprising: a first logical interface for receiving data from a first host **(par. 6-7 teaches a device with an interface for receiving data from a server);** a second logical interface for transmitting said data to one or more further hosts **(par. 6-7 teaches an**

interface for transmitting the data to an end user); and a cache, wherein said apparatus is configured to store received data in the cache until a predetermined condition is met and, in response to the meeting of this condition, to forward the data to said further hosts in said group **(Heller par. 32 a proxy unit with data stored locally in a cache. Heller further teaches the locally stored data is not transmitted until the expiry of a timer).**

However Heller does not expressly disclose a processor for defining a group comprising one or more further hosts, wherein a further host is added to the group in response to the reception of a request; wherein the processor is configured to limit the group to further hosts situated at the same location.

Maggenti teaches in col. 15 line 43 to col. 16 line 20 teaches a processor for identifying a multicast group and adding a member to a group upon receipt of a request. Maggenti further teaches in col. 9 lines16-32 a base station that restricts the multicast group to only those wireless devices that are in its geographic coverage area, therefore the only users that are permitted to join the multicast group must be located within the coverage area of the base station where the coverage area is interpreted as the same location.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Heller to include limiting the

members of a group to those users in a coverage area. One would be motivated as such in order efficiently transmit multicast transmission by limiting the users to a specific geographic location that desire the multicast col. 2 lines 4-23.

Regarding claim 26, Heller and Maggenti teaches apparatus as the parent claim. Heller further teaches in par. 28 wherein one of a request is transmitted between the apparatus and the first host via a cellular communications network (par. 28 teaches a request is sent between a device and first host (server)).

Heller does not expressly disclose the location of the further host is defined in terms of a cell, so that the group is limited to further hosts situated in an area covered by a single cell.

Maggenti teaches in col. 9 lines 16-32 the location of the further host is defined in terms of a cell, so that the group is limited to further hosts situated in an area covered by a single cell.

See similar motivation as claim 25.

Regarding claim 27, Heller teaches further configured to forward a file over a wireless communication network, being the last network element located before an air-interface in a file delivery path between the first host and one or more further hosts **(par. 37 teaches a gateway device as the last network element for wirelessly transmitting data from a first and second host)**.

Regarding claim 28, Heller teaches wherein said apparatus comprises a router (**par. 33 teaches a gateway unit which a router)**.

Regarding claim 29, Heller teaches further comprising a timer, wherein the predetermined condition the expiry of a time limit **(par. 32 teaches predetermined condition is expiry of a time limit)**.

Regarding claim 30, Heller teaches wherein the time limit changes dynamically **(par. 32 teaches an adjustable timer).**

Regarding claim 31, Heller teaches in par. 6 receive requests from the further hosts via a first communication path and to forward data to the further hosts via a second communication path, separate from the first communication path.

Regarding claim 32, Heller teaches in **fig. 1** wherein the first communication path and the second communication path comprise separate networks **(fig. 1 par. 15 teaches a first network including a host and a proxy and a second network including the internet and server).**

Regarding claim 33, Heller teaches a method comprising the following: receiving a request for a file from a first host at a network element **(par. 6-7 teaches receiving a request for data from an end user)**; retrieving the file from a second host **(par. 6-7 teaches retrieving the data from a server)**; storing the file in a cache associated with the network element **(par. 32 teaches storing data in a cache in a proxy)**; waiting for a period of time until a predetermined condition is met where, if further requests for said file are received by the network element from one or more other hosts before the period of time expires **(par. 32 teaches a proxy unit with data stored locally in a cache. Heller further teaches the locally stored data is not transmitted until the expiry of a timer where further request for a file may be received).**

However Heller does not expressly disclose defining a group including the first host; then said one or more other hosts are added to the group; and forwarding the file to the first host and to any other hosts in

said group, wherein the group is limited to the first host and other hosts situated at the same location as the first host.

Maggenti teaches in col. 15 line 43 to col. 16 line 20 teaches a processor for identifying a multicast group and adding a member to a group upon receipt of a request. Maggenti further teaches in col. 9 lines16-32 a base station that restricts the multicast group to only those wireless devices that are in its geographic coverage area, therefore the only users that are permitted to join the multicast group must be located within the coverage area of the base station where the coverage area is interpreted as the same location. Maggenti teaches in col. 4 lines 54-62 transmitting multicast to devices that are members of a multicast group.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Heller to include limiting the members of a group to those users in a coverage area. One would be motivated as such in order efficiently transmit multicast transmission by limiting the users to a specific geographic location that desire the multicast col. 2 lines 4-23.

Regarding claim 34, Heller and Maggenti teach a method as the parent claim. Heller further teaches wherein a request is transmitted between the

network element and the first host via a cellular communications network (par. 28 teaches a request is sent between a device and first host (server)).

Heller does not expressly disclose another host is considered to be at the same location as the first host if it is situated in an area covered by the same cell.

Maggenti teaches in col. 9 lines 16-32 another host is considered to be at the same location as the first host if it is situated in an area covered by the same cell.

See similar motivation as claim 33.

Regarding claim 35, Heller teaches wherein the file is forwarded over a wireless communication network, the network element being the last network element before an air-interface in a file delivery path between the second host and the first host **(par. 37 teaches a gateway device as the last network element for wirelessly transmitting data from a first and second host)**.

Regarding claim 36, Heller teaches wherein the network element comprises a router (**par. 33 teaches a gateway unit which a router)**.

Regarding claim 37, Heller teaches wherein the predetermined condition is the expiry of a time limit **(par. 32 teaches predetermined condition is expiry**

of a time limit).

Regarding claim 38, Heller teaches wherein the time limit changes dynamically **(par. 32 teaches a dynamic timer)**.

Regarding claim 39, Heller and Maggenti teach a method as the parent claim.

However Heller does not expressly disclose wherein the request is received via a first communications network and the file is forwarded via a second communications network.

Maggenti teaches in par. 6 a request from a requester is received from a first network and the file is forwarded from a server in second network

See similar motivation as claim 33.

Regarding claim 40, Heller and Maggenti teach a method as the parent claim. However Heller does not expressly disclose a computer-readable medium storing computer-executable instructions that when executed for causing cause a network element to perform the method of claim 33.

Maggenti teaches in col. 15 lines 43-49 teaches a processor and a storage device for operating a device.

See similar motivation as claim 33

5. Any response to this action should be **faxed** to (571) 173-8300 or **mailed** to:

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL MITCHELL whose telephone number is (571)270-5307. The examiner can normally be reached on Monday - Friday 8:00 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on 571-272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. M./
Examiner, Art Unit 2477
/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2477